

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 1-8, 10-14, 15-26, 28-31 and 33 have been amended and Applicants believe that the claims as now presented are clearly allowable.

Submitted concurrently herewith is Request to Correct Inventorship Under 37 CFR § 1.48(a), which includes a new Declaration and Power of Attorney executed by a new inventor, David A. Stout, and a Petition to Under 37 CFR § 1.47(a) for the Office to accept the new Declaration and Power of Attorney with only Mr. Stout's signature, since the other joint inventor refused to sign the Declaration.

In the September 23, 2004, Office Action, all of Claims 1-33 were rejected under 35 USC 103(a) in view of a patent to Miller (US 6,737,029), and further in view of one of several other secondary patent references. These rejections are respectfully traversed.

Regarding claims 1-33, the earliest possible effective date of the Miller patent (filed on August 20, 2002) as a citable reference under 35 U.S.C. § 103(a) is the date of its provisional application filing, i.e., December 7, 2001, to which a claim of priority is made in the Miller patent. This of course assumes, *arguendo*, that the provisional application contains an enabling disclosure of the invention described and claimed in the Miller patent. Regardless, Applicants submit concurrently herewith, as an attachment to this Amendment and Response, a Joint Declaration Under 37 CFR §1.131(a) to remove the Miller patent as a reference.

The facts set forth in the Declaration clearly establish that the Applicants' invention as presently claimed was completed, sold and installed by Applicants at a

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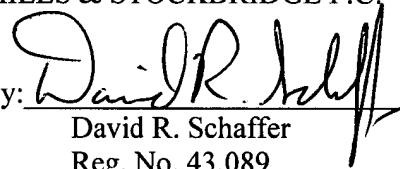
customer site prior to the December 7, 2001, effective date of the Miller patent.

Therefore, the Miller patent is not citable as prior art against the claims under examination. Accordingly, withdrawal of all of the rejections of claims 1-33 under the various 103(a) combinations based on the Miller patent is respectfully requested.

All of the grounds of rejection under 35 USC 103(a) are believed to be overcome by the concurrently submitted 37 CFR § 1.131(a) Declaration, and withdrawal of the rejections is respectfully requested. Therefore, the claims are believed to be in condition for allowance and the Examiner is respectfully requested to issue a Notice of Allowance to that effect.

Respectfully submitted,

MILES & STOCKBRIDGE P.C.

By: 
David R. Schaffer
Reg. No. 43,089

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1751 Pinnacle Drive, Suite 500
McLean, Virginia 22102-3833
Telephone: (703) 610-8649
#9229182v1